**Code of Conduct**

The following initial Code of Conduct applies to members of the Swarna Bharat Party (SBP). This is based on the Code of Conduct of the Freedom Team, and will be customised and developed within SBP in the future.

***Concepts underpinning the Code of Conduct***

1.1.1 SBP believes that the Indian people are entitled to the highest standards of integrity from their elected representatives. Their representatives must act with integrity, fairness, accountability, responsibility, and with due regard to the public interest. Public office is a public trust, and not a private fiefdom. Since members of SBP aspire to public office through elections, they must ensure that their conduct is, at all times, both in fact and in appearance, in accordance with the highest standards of integrity and good citizenship prescribed by this Code of Conduct.

1.1.2 SBP will vouchsafe the integrity of its members who contest elections to the people of India that its members to the extent that (a) they meet the requirements of this Code and (b) SBP has processes in place to investigate and take action in relation to any breach of this Code.

1.1.3 SBP commits that should any of its members fail to meet the standards specified in this Code of Conduct, any citizen of India can lodge a complaint with SBP at discipline@swarnabharat.in and SBP’s Executive Committee will cause an investigation of the matter promptly as per a process specified elsewhere in these rules.

1.1.4 SBP notes that the conduct of an SBP member prior to joining SBP will not be scrutinised by SBP to the same extent as conduct after joining SBP. However, such conduct may have a bearing on two things, to ensure that SBP’s reputation is kept in tact:

1.1.4a Such conduct would be considered by SBP before accepting a person as a member of SBP. SBP members are expected to disclose upfront in a legally valid document, upon applying to join SBP, whether there is anything (that they are aware of) that SBP should know regarding their past which could adversely impact SBP’s reputation. This would include disclosure of past or pending criminal cases, if any. Since it is possible that some such cases may have been lodged falsely against a member, SBP retains the discretion to exercise its own judgement about such matters.

1.1.4b Decisions of the Executive Committee in regard to any complaint received, or on a matter initiated *suo moto* by SBP.

1.1.5 Members of SBP shall ensure at all times that their personal conduct is consistent with the requirements of the reputation and integrity of SBP.

***1.2 Compliance with key principles***

1.2.1 *Integrity.* SBP members commit to comply with the highest standards of personal integrity.

1.2.1a They (SBP members) commit to acting honestly and reasonably, with due consideration of consequences. This includes strict honesty in public dealings, and rules out any corrupt activities or illegal actions such as tax evasion (e.g. dealing with black money). The latter would include not providing (or having provided) active support to political parties which collect and use black money. Such active support would include things like directly dealing with election campaigns of such parties.

1.2.1b They commit to ensuring that they do not come under any undue financial or other obligation to individuals or organisations and are able to independently exercise their judgement as citizens and members of SBP.

1.2.1c They commit to carefully watching the pecuniary and other private interests of their immediate family members, and advising SBP about potential conflict or apparent conflict of interest should any such situation arise.

1.2.2 *Compliance with the laws of India.* Members of SBP commit to adhering to the Constitution of India in all its detail, despite differences of opinion with some of the provisions of the Constitution, and upholding the laws of India at all times. SBP members would be able to break a particular law, should they choose to do so, but only by making the relevant authorities fully aware of their deliberate non-compliance with the law. No law of India will be broken in secret by any SBP member. Breaking the law to lodge a protest with the authorities is a kind of civil disobedience and would need authorisation by SBP. Members of SBP could face immediate expelled for breaking *any* law of the land.

1.2.3 *Decency*. SBP members commit to a level of circumspection and moderation in their actions commensurate with public behaviour commonly expected of good citizens. It is a mandatory requirement that behaviour should be within norms of what is commonly understood to be ‘parliamentary behaviour’. Foul language or physical assault is an offence prompting immediate dismissal from SBP membership. If foul language is reportedly used by an SBP member outside SBP, an inquiry shall be caused and stern warning issued in the first instance. However, use of foul (‘gutter’) language within SBP is entirely inconsistent with the aims and purposes of SBP and shall lead to immediate termination. Where members use aggressive language against others, that, too, shall be cautioned and checked, without necessarily leading to immediate termination. Regular and frequent use of unregulated language within and outside SBP will be classified as indecent and cause termination from SBP.

1.2.4 *Responsibility.* SBP members commit to speak and act as responsible citizens at all times, aware that they are individually accountable for their personal acts. Self-restraint must be the hallmark of an SBP member.

1.2.5 *Freedom of expression*: SBP members have unfettered freedom of expression including expressing differences of opinion on various draft policies of SBP – subject to the constraints imposed on legislative representatives by the Constitution. However, SBP members will endeavour to abide with, in their public statements representing SBP, the agreed policy positions of SBP as published in its manifesto or on its website.

1.2.6 *Being mindful of SBP’s reputation at all times.* SBP members commit to taking responsibility to ensure the reputation and standards guaranteed by SBP to the people of India.

1.2.7 *Public scrutiny.* Members of SBP commit to a higher level of public scrutiny and explanation than an ordinary citizen.

1.2.8 *Organisational objectives*. Members of SBP commit to meeting the obligations set out in this Code of Conduct and other rules and procedures of SBP. Members commit to making a contribution of their personal time and energy to SBP and to learning about good policy.

1.2.9 *Other matters.* Members of SBP shall deal with foreign agencies including civil society organisations with great caution and exercise care that India’s national interests, foreign policy interests and national security are never compromised.

***1.3 Standards to be committed to before contesting elections***

1.3.1 Members of SBP will need to commit to higher levels of scrutiny that would include things of the sort indicated below:

1.3.1a Members will need to declare in a legally valid document and register all their *relevant* personal assets and pecuniary interests including sources of income, publicly.

1.3.1b They will need to declare in a legally valid document and register all the *relevant* assets and pecuniary interests including sources of income of the immediate members of their families with the President of SBP. This will not be made public.

1.3.1c They will need to notify the President of SBP of any significant change in any of these interests within fourteen days of the change occurring. Failure to declare or register a relevant and substantive personal interest with SBP would constitute a serious breach of this Code of Conduct.

1.3.2 If elected to a public office, they will also need to register with the President of SBP any personal interests including assets held by them in companies/businesses which could give rise to a conflict with their potential public duties. This will include, where relevant, registering such interests of the immediate members of their families. In general, members will be expected to resign or decline directorships of public or private companies and businesses that could be even remotely construed to create a conflict of interest in the discharge of their potential duties. Further, such members will need to divest themselves of investments and other interests in any public or private company or business other than public provident funds or publicly listed managed funds or trust arrangements where the investments are broadly diversified and the member has no influence over investment decisions of the fund or trust, and the fund or trust does not invest to any significant extent in a business sector that could give rise to a conflict of interest with the member’s public duties, if any. The principle here is of good judgement and each case will be considered on its merit to ensure that SBP members who are elected to public office are *seen* to be above board, as well as being above board.

***1.4 Standard Operating Procedure***

This procedure is to be followed by SBP members, and general supporters in relation to the Code of Conduct:

**1.4.1 Raise Your Voice**

You have an obligation to raise integrity/ ethical/ moral concerns about any SBP member. If you have a concern about any member’s compliance with SBP Code of Conduct, you have a responsibility to raise that concern. Raising a Code of Conduct concern protects the SBP and will help India ensure that only good leaders step forward to lead it.

*Raise concerns early***:** The longer you wait to address a concern, the worse it may become.

*You may remain anonymous if you like***:** However, SBP will form its own judgement on whether a complaint is genuine or not if an anonymous complaint is received. Identifying yourself will help to find relevant evidence and SBP will also be able to follow up with you and provide feedback.

*Confidentiality is respected:* Your identity and the information you provide will be shared only on a “need-to-know” basis with those responsible for resolving the concern.

*Retaliation violates SBP policy:* SBP forbids retaliation against anyone for raising or helping to address a Code of Conduct concern. Retaliation is grounds for discipline up to and including dismissal.

**1.4.2 How to Raise a Code of Conduct concern**

* Write to discipline@swarnabharat.in
* Send an email to any SBP national executive member

**1.4.3 What happens when the concern is raised?**

The Executive Committee of SBP looks at the concern and takes action according to the SBP Disciplinary Rules specified below, subject to any requirements of the SBP Constitution.

**2. Disciplinary Rules**

***2.1 Key principles***

2.1.1 Membership of SBP is not a right but a privilege. Members of SBP are required to comply with the Code of Conduct both in letter and in spirit.

2.1.2 SBP members can be expelled from SBP upon breach of trust, criminal acts, mental disability, or advocacy of positions contrary to the objectives of SBP, including things such as support to communist, socialist, or communal groups – these terms being used as commonly understood. The following rules aim to clarify processes to be undertaken in some of these cases.

2.1.3 An SBP member can be subject to disciplinary proceedings which could lead to consequence including potential termination of membership of SBP under the following conditions:

2.1.3a *False declarations*: At the point of entry to SBP, or at various stages in the processes of SBP, members could be asked to make declarations and disclosures about themselves under their electronic signature. If any of these declarations is subsequently found to be false, discipline proceedings could be initiated.

2.1.3b *Conduct*: SBP aims to provide India with leaders of guaranteed calibre and ethical standards. SBP members are also expected to be exemplars of good behaviour in public life within the broad parameters of the meaning of liberty with accountability. While members of SBP are not expected to be saints, at the same time they are expected to abide by a high standard of ethics specified in the SBP Code of Conduct. Violations of this Code including actions such as lack of judgement or behaviour that lead to significant risks to SBP’s reputation could lead to disciplinary proceedings being initiated. For instance, as indicated, foul (‘gutter’) language will lead to immediate termination. Other actions that could be deemed to be violations of the Code include:

* requesting/ suggesting to others to violate the SBP Code of Conduct;
* failure to promptly raise a violation of the SBP Code of Conduct known to the member;
* failure to cooperate in SBP investigations of possible violations;
* retaliation against another member or worker or citizen for reporting a misconduct; and
* breach of trust or any other criminal act.

2.1.3c *Philosophical dissonance*: SBP members are expected to agree with the SBP manifesto’s liberal approach before entry to SBP. This manifesto advocates a broad school of liberty based on a philosophy of freedom with accountability. This school of thought insists on a strong state with its core functions, and is not to be confused with ‘anarchy’. This worldview can be called by many names including (but not limited to) classical liberalism. The meaning of freedom adopted by SBP is based primarily on ‘negative liberty’ concepts, of freedom from chains, from imprisonment, from enslavement by others. This also ensures we do not do anything that can harm others. Positive liberty is permissible on SBP as a policy outcome rather narrowly, being limited to the provision of reasonable equal opportunity through a frugal social minimum, through actuarially fair social insurance schemes and enhancing evidence-based positive externalities of school education and emergency health care. These functions of enabling positive liberty are second order functions of a government to be discharged after the first order functions (arising from negative liberty) are reasonably fulfilled. It is expected that policy debates within SBP will take place around this broad interpretation of liberty. However, in rare cases, policy differences may become a cause for initiating disciplinary action where an SBP member brings a radically different perspective on liberty, such as anarchic libertarian or socialist democrat perspectives.

2.1.3d *Legal liabilities*: Actions of an SBP member that create a criminal or other legal liability on the rest of the team or its supporters could be an immediate basis for disciplinary action.

2.1.3e *Indifferent participation*: Should a particular member not volunteer to undertake any activity to advance the objects of SBP, the Executive Committee may provide encouragement to such a member, but after repeated requests if indifferent participation is evinced, then the Committee could initiate termination proceedings.

**2.2 Disciplinary Process**

2.2.1 Any citizen of India (not Overseas Indian Citizen) and any member of SBP can raise an issue with the Executive Committee by writing to: discipline@swarnabharat.in. If a disciplinary matter in question relates to the action of a member of the Disciplinary Committee, the complaint can be lodged with any other member of the committee.

2.2.2 If a disciplinary matter in question relates to the action of a member of the Executive committee, a separate Google group (or similar mechanism) would be established by the remaining four members, who would then investigate the matter as they deem fit, following the principles of natural justice.

2.2.3 The Executive Committee will independently arrive at its own process and decisions in each case. The Committee may, if it so wishes, seek evidence as appropriate, always keeping the costs of investigation to the minimum necessary. Where substantial costs are likely to be incurred during an investigation, the Committee could outline its requirement of funds (without outlining the details of the case) to the main group of SBP and obtain approval for the funds needed. In no case will the Committee create a financial liability for SBP without prior approval from the SBP National Executive.

2.2.4 It is critical that privacy and confidentiality, even the requisite secrecy, be maintained by the Committee at all times, and that no one’s reputation be risked through accidental or careless actions of the Committee. Casual treatment of disciplinary matters, including disclosure about the complaint or to whom the complaint refers to, could in turn be deemed by SBP (through a complaint lodged by any member) to be a matter for discipline. The Committee must therefore ensure at all times through its deliberations and actions that the reputation of SBP is enhanced, not harmed, through its disciplinary processes, and that no SBP member suffers any **undue** reputational harm through its actions.

2.2.5 Speed would need to be of the essence in disciplinary matters. It is therefore expected that the Committee would endeavour to resolve the matter as soon as possible. In any event, the Committee should not take more than three months for its investigations and final recommendation, following which a firm decision must be recommended. Either a member must be fully rehabilitated or expelled.

2.2.6 While the Committee would need to adhere to the principles of natural justice, the Committee would look at evidence with a slightly lower standard of evidence, given the need to protect the organisation's reputation and to be quick in decision making. Decision making of the standard of a court of law is not expected. Anyone who joins SBP implicitly agrees, through having read and agreed with these rules, to a relatively lower standard of evidence than the comprehensive evidence requirements to abide by natural justice. Thus, if corruption is alleged against a particular member, the Disciplinary Committee would need to form a view of the facts based on whatever facts it can be readily and reasonably ascertained, including witnesses. It would not require proof beyond reasonable doubt.

2.2.7 At the end of the process, a range of disciplinary actions could be recommended by the Committee to the SBP National Executive. It would be expected that the National Executive implement the decisions of the Disciplinary Committee forthwith. For instance, where the Committee recommends termination of an individual’s membership, the SBP National Executive shall be deemed to have agreed, without further ado, to implement the decision.

2.2.8 A range of actions could be recommended by the Committee including but not limited to the following:

2.2.8a *Suspension of membership*: If the charges are sufficiently serious and prima facie evidence so provides for it, the Committee could suspend that person's membership of SBP. Suspension means suspension of voting rights on major decisions, no ability to be nominated to any election, and so on. Should someone use foul (‘gutter’) language, any Executive Committee can ask the IT manager/s of SBP to suspend all read/write access to SBP communication systems, to be reviewed/ ratified by the entire National Executive (subject to quorum) within 48 hours. Such meeting can be held over phone. If confirmed, no inquiry shall be caused, and immediate termination of membership implemented.

2.2.8b *Corrective action*: Where necessary, the Committee may recommend corrective actions to the appropriate member for implementation.

2.2.8c *Termination of membership*. As indicated above, immediate termination is mandatory for anyone who uses gutter language within the team. Further, if stern warnings fail to stop a member from frequent recourse to offensive/aggressive language that can be deemed to be abusive (but not necessary ‘gutter’ language), that person’s membership too shall be terminated.

2.2.9 To ensure strict confidentiality, the National Executive will not be required to provide with the detailed explanation of any of its disciplinary decisions (except perhaps verbally over telephone, to a minimal extent, where felt necessary) to any party, within or outside SBP. However, to ensure that SBP members are duly informed of the key outcome/s, a summary of the decision will be provided to the National Executive.

2.2.10 In each instance (except where immediate termination is required for use of ‘gutter’ language), the Committee shall necessarily provide (with prior approval of the Board) the concerned member with a brief summary of its findings (including reasons thereof) and recommendations. The Committee shall take great care to phrase such a summary (and its recommendations more generally) in a manner appropriate to the task without unduly risking the reputation of SBP nor of the member against whom a finding has been made.

2.2.11 In each instance, the Committee will provide a very brief (for instance, one or two sentences) summary feedback of the investigation and actions taken by SBP to the complainant.